

**REMARKS**

Claims 1, 2, 6-17, 21-29 and 33-43 are pending. By this Amendment, claims 1, 12, 16, 24, 28, 36, 38, 42 and 43 are amended, and claims 3-5, 18-20 and 30-32 are canceled. The claims are amended to even more clearly distinguish over the applied references. In particular, claim 1 is amended to include features based on original claims 4 and 5, claims 16, 28 and 42 are amended in a manner similar to claim 1, and previous independent claims 12, 24, 38 and 43 are amended to depend from claims 1, 16, 28 and 42, respectively. An obvious typographical error is corrected in claim 36. Thus, no new matter is added by the above amendments.

**I. Information Disclosure Statement**

The Examiner is requested to consider the information identified in the Information Disclosure Statement filed with this Amendment. The Examiner is requested to return an initialed copy of the PTO-1449 that is included with the Information Disclosure Statement in the next Patent Office communication.

**II. All Pending Claims are Patentable**

Claims 1-3, 6, 12, 16-18, 21, 24, 28-30, 38, 42 and 43 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,574,569 to Utsumi et al. This rejection is moot in view of the above amendments. In particular, the independent claims have been amended to include features previously recited in claims 4 and 5, 19 and 20, or 31 and 32, which were not included in this rejection. Withdrawal of the rejection is requested.

Claims 4, 5, 19, 20, 31 and 32 stand rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of U.S. Patent No. 5,579,239 to Freeman et al. This rejection is respectfully traversed.

All independent claims of this application (independent claims 1, 16, 28 and 42) recite that the reproduction time is based on a recording time of sound information when the sound

information is included in a recording unit, and otherwise is set to a predetermined constant time when sound information is not included in a recording unit. Although the Office Action relied upon Freeman et al. for similar features, previously recited in claims 4, 5, 19, 20, 31 and 32, Applicants respectfully submit that neither Utsumi et al. nor Freeman et al. discloses or suggests such combination of features.

Column 5, lines 39-60 of Freeman et al., which is referenced in the Office Action, does not disclose or suggest setting a reproduction time of a recording unit so as to be based on a recording time of sound information when sound information is included in the recording unit, and otherwise setting the reproduction time of a recording unit so as to have a predetermined constant reproduction time when no sound information is included in that recording unit. Freeman et al. merely indicates that in order to reduce the transmission time of data, audio data can be removed and thus only the video data is transmitted. While removing the audio data may reduce the transmission time of the remaining video data, the reproduction time (that is, the playback time) of the video data will be the same regardless of whether it was transmitted with or without the audio data. Moreover, Freeman et al. does not disclose or suggest an arrangement in which a recording unit that does not have sound information is reproduced (played back) with a predetermined constant reproduction time. Thus, Freeman et al. does not disclose or suggest an arrangement in which the reproduction time of a recording unit is based on a recording time of sound information when that recording unit includes sound information, and otherwise is set to a predetermined constant time when no sound information is present in the recording unit.

Accordingly, Applicants respectfully submit that all independent claims of this application, along with their dependent claims, are patentable over Utsumi et al. and Freeman et al. Withdrawal of the rejection is requested.

Claims 7, 8, 33 and 34 stand rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of U.S. Patent No. 5,732,184 to Chao et al. This rejection is respectfully traversed. Chao et al. does not overcome the deficiencies noted above with respect to the independent claims of this application. Thus, claims 7, 8, 33 and 34 are patentable for at least the reasons set forth above with respect to independent claims 1 and 28, from which they depend. Withdrawal of the rejection is requested.

Claims 10 and 36 stand rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of Chao et al., and further in view of Freeman et al. These claims are patentable for at least the reasons set forth above with respect to independent claims 1 and 28, from which they depend. Withdrawal of the rejection is requested.

Claims 9, 11, 35 and 37 stand rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of U.S. Patent No. 5,812,736 to Anderson. This rejection is respectfully traversed. Anderson does not overcome the deficiencies noted above with respect to the independent claims of this application. Thus, claims 9, 11, 35 and 37 are patentable for at least the reasons set forth above with respect to independent claims 1 and 28, from which they depend. Withdrawal of the rejection is requested.

Claims 13-15, 25-27 and 39-41 stand rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of U.S. Patent No. 5,930,446 to Kanda. This rejection is respectfully traversed. Kanda does not overcome the deficiencies noted above with respect to the independent claims of this application. Thus, claims 13-15, 25-27 and 39-41 are patentable for at least the reasons set forth above with respect to independent claims 1, 16 and 28, from which these claims depend. Withdrawal of the rejection is requested.

Claim 22 stands rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of Anderson. In addition, claim 23 stands rejected under 35 U.S.C. §103(a) over Utsumi et al. in view of Anderson, and further in view of U.S. Patent No. 5,796,428 to Matsumoto et al.

These rejections are respectfully traversed. Anderson and Matsumoto et al. do not overcome the deficiencies noted above with respect to the independent claims of this application. Thus, claims 22 and 23 are patentable for at least the reasons set forth above with respect to independent claim 16, from which they depend. Withdrawal of the rejections is requested.

### III. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Mario A. Costantino  
Registration No. 33,565

MAC/jam

Attachments:

Petition for Extension of Time  
Information Disclosure Statement

Date: December 23, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--